

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #3	CCRB Case #: 202002114	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/12/2020 12:01 AM	Location of Incident: 24th Precinct stationhouse	Precinct: 24	18 Mo. SOL 9/12/2021	EO SOL 4/29/2022	
Date/Time CV Reported Fri, 03/13/2020 12:56 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 03/13/2020 12:56 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. SGT John Stubbing	03738	920874	024 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT John Stubbing	Abuse: Sergeant John Stubbing lodged § 87(2)(b) in an inappropriate holding cell based on her perceived gender.	
B. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
C. An officer	Off. Language: An officer made remarks based on § 87(2)(b)'s gender identity.	

Case Summary

On March 13, 2020, § 87(2)(b) filed this complaint online at the CCRB's website.

On March 12, 2020, at approximately 12:01 a.m., § 87(2)(b) a transgender woman, was arrested for § 87(2)(b) and brought to the 24th Precinct Stationhouse in Manhattan. Sergeant John Stubbing was the Desk Sergeant at the time. § 87(2)(b) was placed into a holding cell with male prisoners and requested to use the female bathroom but was not allowed (**Allegation A: Abuse of Authority**, § 87(2)(g))

Two unidentified officers allegedly said, "It stinks like shit. I don't know what the fuck it, she, he or what the fuck it is they got going on in here that shit stinks like fucking shit" and "Oh, I bet she would give you the best blow job of your life. How much do you think she would charge?" to § 87(2)(b) (**Allegation B: Discourtesy**, § 87(2)(g)) (**Allegations C: Offensive Language**, § 87(2)(g))

§ 87(2)(b) was arrested for § 87(2)(b)

The investigation obtained footage from the security cameras of the holding cell area at the 24th Precinct Stationhouse, which captured a portion of this incident (Board Review 02).

§ 87(2)(g)

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant John Stubbing lodged § 87(2)(b) in an inappropriate holding cell based on her perceived gender.

§ 87(2)(b) (Board Review 03) testified that she is a transgender woman. On the incident date, § 87(2)(b) was arrested and taken to the 24th Precinct stationhouse. An officer unidentified officer walked § 87(2)(b) to the holding cell area located in front of the front desk. § 87(2)(b) observed two civilian men inside the holding cell. The officer collected § 87(2)(b)'s fingerprints and then ushered § 87(2)(b) into the same holding cell as the male prisoners. § 87(2)(b) asked, "Why am I being put into a cell with men?" The unidentified officer responded, "I don't work here. I have to go by their rules." § 87(2)(b) responded, "Well I am not supposed to be in here. I am supposed to be in a private cell either by myself or in the women's cell...this is how it goes. They usually ask me if I want to be put into the women's cell or a private cell." The officer responded, "Listen, I don't know what's going on. If this is where they put you, this is where you're staying." § 87(2)(b) stated that she asked to use the bathroom while she was inside of the holding cell. An unidentified officer escorted her out of the cell to the men's bathroom. § 87(2)(b) told the officer that she could not use that bathroom because it was the men's bathroom. The officer responded, "Well, this is where they told me you have to use it." § 87(2)(b) asked the officer if he could ask "them" if she could use the women's bathroom. § 87(2)(b) watched the officer walk to the front desk and speak to a different officer. The officer then came back to the cell area and told § 87(2)(b) that the officer he had spoken to said she could not use the women's bathroom and that if she really had to go, she would use the men's bathroom. § 87(2)(b) was forced to use the men's bathroom.

The investigation obtained security footage from the holding cell area inside of the 24th Precinct stationhouse, which captured a portion of this incident and is approximately three hours in length (Board Review 02). The beginning of the footage shows § 87(2)(b) alone in the holding cell. § 87(2)(b) is wearing all black, has long black hair, and appears evidently female. There is a man on the bench outside. At 01:09:06, a male prisoner is placed inside the same holding cell as § 87(2)(b). At 01:50:34, a second male prisoner is placed into the same holding cell as § 87(2)(b) and the other male prisoner. At 02:55:40, § 87(2)(b) is let out of the holding cell by an unidentified officer.

The investigation obtained the Roll Call for Tour 1 on March 12, 2020, which identified Sgt. Stubbing as being the Desk Sergeant during this time (Board Review 07).

The investigation obtained the Prisoner Holding Pen Roster (Board Review 11), which noted that Sgt. Stubbing inspected the cells at 11:15 p.m. on March 11, 2020, and again at 12:01 a.m. The roster shows that § 87(2)(b) was put into the holding cell at 12:05 a.m.

§ 87(2)(g)

Sgt. Stubbing (Board Review 04) testified that the holding cell is located directly in front of the front desk and that it is the Desk Officer's responsibility to monitor the cells. Sgt. Stubbing stated that typically if there were female and male prisoners present, one would be placed inside of the cell and the other would be kept on a bench outside of the cell. If there were multiple female and male prisoners, the juvenile room would be utilized as a holding cell area. Sgt. Stubbing did not initially recall the incident, or any females being brought into the stationhouse and being lodged into holding cells on the night of the incident. Sgt. Stubbing was shown the surveillance footage from the holding cell area which showed § 87(2)(b) in the holding cell with two other male prisoners. Sgt. Stubbing stated that if § 87(2)(b) had identified herself as a female, she should have been put into the juvenile room. Sgt. Stubbing stated that if a civilian identifies themselves as a specific gender, then the maneuver would be made to place them in a separate holding space. Sgt. Stubbing reiterated that he did not recall if § 87(2)(b) identified herself as being a female and stated that she was brought in before his tour began. Sgt. Stubbing continued that if a prisoner who appears to be evidently female is in a holding cell with male prisoners, she should be removed for safety reasons. Sgt. Stubbing was not made aware by any officers that § 87(2)(b) was the only female in the holding cell with other male prisoners. No officers came to Sgt. Stubbing and asked about procedures regarding this circumstance. Sgt. Stubbing furthered that that there is one bathroom in the holding cell area on for both female and male prisoners to use. No officers came to Sgt. Stubbing and asked about procedures regarding this circumstance.

NYPD Patrol Guide Procedure 203-10 states that members of service shall address the public using pronouns, titles of respect, and preferred name appropriate to the individual's gender identity/expression as expressed by the individual. The term "gender" shall include actual or perceived sex and shall also include a person's gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the legal sex assigned to that person at birth (Board Review 12).

NYPD Patrol Guide Procedure 210-08 provides guidelines for prisoner holding pens. The purpose of this procedure is to ensure the integrity, control, and humane treatment of prisoners lodged in holding pens. The procedure (section 5g) states that at no time should male and female prisoners be the same holding pen (Board Review 05).

NYPD Patrol Guide Procedure 210-17 defines a Special Category Prisoner as a prisoner who should be removed from the general population for any of the following reasons...For any reason that would lead one to believe that placing that prisoner in a general population of prisoners may pose a safety risk of that prisoner or other prisoners (Board Review 06).

§ 87(2)(g)

Allegation (B) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (C) Offensive Language: An officer made remarks based on § 87(2)(b)'s gender identity.

§ 87(2)(b) (Board Review 03) testified that she observed a new shift of officers come into the Precinct at approximately 7:00 a.m. An unidentified officer walked towards the holding cell and said, "It stinks like shit. I don't know what the fuck it, she, he or what the fuck it is they got going on in there that shit stinks like fucking shit." Simultaneously, another unidentified officer walked into the holding cell area and said, "Oh, I bet she would give you the best blow job of your life. How much do you think she would charge?" Both officers laughed. § 87(2)(b) could not provide physical descriptions of these officers because she did not see them.

Sgt. Stubbing (Board Review 04) was provided with a description of the portion of the incident that contained the verbal allegations. Sgt. Stubbing did not recall this interaction. Sgt. Stubbing did not hear an officer say, "It stinks like shit. I don't what the fuck she, he, it has got going on in there, but it stinks like fucking shit," nor did he make that statement himself. Sgt. Stubbing did not hear an officer say, "I bet she would give the best blow job. How much do you think she would charge?" nor did he make that statement himself.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 08).
- Sgt. Stubbing has been a member-of-service for 23 years and this is the first CCRB complaint in which he has been named a subject.

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of June 21, 2020, the New York City Office of the Comptroller has no record of a

Notice of Claim being filed in regards to this incident (Board Review 10).

Squad No.: 4

Investigator:	<u>Charis Jones</u>	<u>Inv. Charis Jones</u>	<u>06/16/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Raquel Velasquez</u>	<u>IM Raquel Velasquez</u>	<u>06/16/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date